

CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, DECEMBER 4, 2007.

The City Council of the City of Leon Valley, Texas, met for a Special City Council Meeting on the 4th day of December 2007 at 5:40 p.m., at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

SPECIAL CITY COUNCIL MEETING - 5:40 P.M.

Call to order.

Mayor Riley called the meeting to order at 5:40 p.m. and asked that the minutes reflect that the following members of Council were present: Manea, Reyna, Baldrige, Dean and Nelson.

City Manager Lambert and City Secretary Feutz were also present.

Convene into Executive Session in accordance with the Government Code, Section 551.074, "Personnel Matters".

A. Discussion of performance evaluation and employment contract of City Manager Lanny Lambert.

B. Discussion of employment negotiations for an Economic Development Director.

Mayor Riley announced that Council would convene at 5:40 p.m. into executive session in accordance with the Texas Government Code, Section 551.074 "Personnel Matters" to discuss the performance evaluation and employment contract of City Manager Lanny Lambert and for discussion on employment negotiations for an Economic Development Director.

Reconvene into open session.

At 7:00 p.m., Mayor Riley reconvened the Council to open meeting and announced that no action was being taken. She announced that the City Manager's one-year anniversary was approaching the first week of January and that Council's special meeting would end and the Regular City Council Meeting would open.

Adjourn.

No action taken.

REGULAR CITY COUNCIL MEETING - 7:00 P.M.

The City Council of the City of Leon Valley, Texas, met for a Regular City Council Meeting on the 4th day of December 2007 at 7:00 p.m., at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

REGULAR CITY COUNCIL MEETING - 7:00 P.M.

Call to order and Pledge of Allegiance.

CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, DECEMBER 4, 2007.

Mayor Riley called the meeting to order at 7:00 p.m. and asked that the minutes reflect that the following members of Council were present: Manea, Reyna, Baldrige, Dean and Nelson.

City Manager Lambert, City Secretary Feutz, Police Chief Wallace, Fire Chief Irwin, Director of Public Works Vick, Assistant Director of Public Works Stolz, Community Development Director Smith, Community Development Project Director Flores, and City Attorney William McKamie were also present.

Mayor Riley asked Boy Scout Bradley Weatherholz of Troop 685 to lead the Pledge of Allegiance.

Presentations to Green Bin Instant Winners

Mayor Riley announced three winners in the Green Bin Instant Win program: the Bennett, the Butler, and the Jeffries families. None of the winners were present and Mayor Riley asked that the winners' checks be mailed to them. She encouraged all residents to continue participation in the City's recycling program

Presentation of Service Award for 30 Years of Service to Sgt. Rudy Smith, L.V.P.D.

Mayor Riley presented a certificate of appreciation and a clock to Sergeant Rudy Smith of the Leon Valley Police Department who had completed thirty years of service with the City of Leon Valley. She thanked Sgt. Smith for his dedication and loyalty. Sgt. Smith thanked Council and the City for their support.

Citizens to be heard and time for objections to the Consent Agenda.

Mayor Riley asked Councilmembers if they wished for anything on the Consent Agenda to be removed from that agenda for further discussion. Councilmember Baldrige stated that corrections were needed on one set of meeting minutes. Mayor Riley then asked if anyone in the audience wished to address the Council.

Resident Laura Cardenas of 5903 Seneca Drive, addressed Council regarding the petition submitted by the residents of the Seneca West subdivision asking that Council amend the Master Plan to remove all references for future land development of R-6 (Garden Home) zoning in her neighborhood and recommended only R-1 (Single-Family Dwelling) zoning for the neighborhood. Ms. Cardenas informed Council of the reasons the residents of her subdivision were against any change in the current R-1 (Single-Family Dwelling) zoning in her neighborhood and encouraged Council to vote against any change in current zoning in the area and encouraged them to change the Master Plan as petitioned by the residents.

Trade and Market Days Committee Chair Nita Lange addressed Council reminding them that Saturday, December 8, 2007 was the last Trade and Market Day until March 2009 and announced that pictures with Santa Clause, fingerprinting, and musical programs would be featured at the Day's events.

Mayor Riley asked if anyone else would like to address the Council at that time, seeing no one else Mayor Riley asked for a motion on Agenda item # 6 of the Consent Agenda.

CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, DECEMBER 4, 2007.

Consent Agenda

Consider Ordinance appointing members to the Trade and Market Days Committee.

A motion was made by Councilmember Reyna, seconded by Councilman Dean, to approve Consent Agenda item number six (#6). Upon vote, Mayor Riley announced that the motion carried approving the appointment of two more members to the Trade and Market Days Committee.

REGULAR AGENDA

Consider approval of minutes of the Special City Council Meeting of November 15, 2007, the Regular City Council Meeting of November 20, 2007, the Special City Council Meeting of November 27, 2007, and the Special City Council Meeting of November 28, 2007 (Feutz).

Councilmember Baldrige noted that there was an error on page one of the minutes of November 15, 2007 that needed to be corrected. City Secretary Feutz asked if Council would like, she could return the minutes corrected for their consideration on December 18, 2007.

A motion was made by Councilman Reyna, seconded by Councilman Manea, to approve the minutes for the Regular City Council Meeting of November 20, 2007 and the Special City Council Meetings of November 27, 2007 and November 28, 2007 and directed the City Secretary to return corrected minutes of the Special City Council Meeting of November 15, 2007 to Council at the next meeting. Upon vote, Mayor Riley announced the motion carried.

Public hearing to consider Specific Use Permit - with attached Ordinance - A request by Venkat Thupakula dba Kids Galore, for new construction of a "Child Care and Retail Center," in a B-2 (Retail) zoning district, adjacent to an R-1 (Single-Family Dwelling) zoning district at 7724 Eckhert Road. On November 27, 2007, the Zoning Commission recommended approval 7-0 (Smith).

Community Development Project Manager Flores addressed Council stating that Specific Use Permit Case No. 07-259 was a request by Venkat Thupakula to construct and operate a new "Child Care Facility" on a B-2 (Retail) zoned property which abuts residential-zoned property. Ms. Flores reviewed the surrounding zoning and land use and the platting history of the property. She stated that the site plan met the minimum requirements for site plan development and that the applicant was granted two variances by the Board of Adjustment on November 19, 2007 for a 10-foot encroachment in the rear yard setback for a covered porch and for five vehicles stacking spaces. Ms. Flores stated that 26 letters were sent to surrounding property owners and no letters were returned in favor of nor in opposition to the case and no letters were returned as "undeliverable."

Zoning Chair Guerra addressed Council stating that on November 27, 2007, the Zoning Commission recommended approval of the requested Specific Use Permit request by a vote of 7-0.

Applicant Venkat Thupakula addressed Council stating that he already has a child care facility in

CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, DECEMBER 4, 2007.

Leon Valley, but wanted to construct his own facility. He answered questions from Council about the operations of the facility stating that the facility cares for infants through pre-school from 6:30 a.m. to 6:30 p.m..

Mayor Riley opened the public hearing at 7:23 p.m. and invited anyone in the audience to address Council on the case. Hearing no one, Mayor Riley closed the public hearing at 7:24 p.m.

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve the Specific Use Permit Case No. 07-259, as presented. Upon vote, Mayor Riley announced the motion carried and the Specific Use Permit was approved.

Public hearing to consider Petition to revise the 2003 Master Plan, Section E. Housing/Neighborhood Component, Section IIN Seneca West Area - A request by citizens of the IIN Seneca West Area to remove all suggestions of R-6 (Garden Home) zoning as recommended zoning for any available properties in the neighborhood and to recommend only R-1 (Single-Family Dwelling) zoning for the available properties in the area. On November 27, 2007, the Zoning Commission recommended denial of the petition 7-0 (Smith).

Councilman Reyna asked if Council could hear the presentations and citizen comments for both the petition to revise the 2003 Master Plan and the Zoning Case #07-378 and vote on the two items separately. City Attorney McKamie did not offer any objections to the request.

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to hear the cases for the Petition and for the Zoning Case # 07-378 together, but Council would vote on the two items separately. Upon vote, Mayor Riley announced that the motion carried.

Community Development Director Smith addressed Council stating the petitioners' request was to revise the 2003 Master Plan, Section E Housing/Neighborhood Component, Section 11N Seneca West to remove all references for possible R-6 (Garden Homes) zoning in the area as recommended zoning for any available properties in the neighborhood and to recommend only R-1 (Single Family) zoning for the available properties in the area. She reviewed the reasons the petitioners' gave for their request: increased traffic as compared with R-1 (Single Family Dwelling) zoning, harmful environmental impact of higher density housing, and to reduce overall negative effects of the more dense housing in the Seneca West neighborhood. Ms. Smith reviewed the history of zoning and platting of the area from when it was annexed to the City in 1969 as temporary R-1 (Single Family Dwelling) zoning up through the most recent 2006 rezoning request for R-6 (Garden Homes) zoning which was withdrawn prior to Council hearing. Ms. Smith provided an analysis of the area, under current conditions, stating that if the vacant area remains zoned as R-1 (Single Family Dwelling), 239 new homes could be built as compared with 440 homes with R-6 (Garden Homes) zoning. She reviewed the traffic impact analysis, environmental impact analysis for drainage, open space concerns, and concluded with stating that the R-1 (Single Family Dwelling) zoning may not be economically feasible due to infrastructure improvements needed in the area. Ms. Smith stated that the petition contained 131 signatures for the Master Plan changes. She announced that 131 meeting notices were mailed to property owners and 22 letters were received in opposition to the petition requests.

Zoning Chair Guerra addressed Council stating that on November 27, 2007, the Zoning

CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, DECEMBER 4, 2007.

Commission voted to deny the Petitioners' request by a vote of 7 to 0.

Resident Laura Cardenas asked Council for Council to take time to develop a comprehensive plan for R-1 (Single Family Dwelling) zoning homes in Seneca West. She stated that there were 131 signatures on the petition and their neighborhood had 121 homes. She encouraged Council to approve the requested changes to the Master Plan and to keep their neighborhood R-1 (Single Family Dwelling) zoning.

Real Estate Broker Daniel Bee addressed Council stating that he represents vacant land owners from nineteen parcels of land and stated that those owners reject the limitations being considered for their properties by restricting the zoning only to R-1 (Single Family Dwelling) zoning.

Councilmembers expressed their concern that vacant landowners understood that their properties are already zoned R-1 (Single Family Dwelling) and have been since the properties were annexed almost 40 years ago.

Mayor Riley announced that the public hearing would be opened after the presentation on the Zoning Case.

Public hearing to consider Zoning Case #07-378 - with attached Ordinance - A request by Dayton Schrader of REMAX Associates, applicant, to rezone approximately 68.569 acres of land at the intersections of Samaritan, William Rancher, Aids and Grasshill Drives from R-1 (Single-Family Dwelling) to R-7 (Single-Family Medium Density Dwelling), being Lot 1, Block 1, CB 4430, Good Samaritan Nursing Home Subdivision and Parcel 1 in Abstract 399, and Parcels 10B, 10C, 10D, 10E, 10F, 10H, 10J, 10K, 11, 11A, 13, 13A, 15, 16, 16A, 18, 19, 21, 22, 22A, and 23 in Abstract 432, CB 4430B. On November 27, 2007, the Zoning Commission recommended approval of the request 6-1 (Smith).

Community Development Director Smith addressed Council stating that the applicant, Dayton Schrader of REMAX Homes, was requesting the rezoning of approximately 68.569 acres along Aids, William Rancher, Grass Hill and Samaritan Drives. Ms. Smith reviewed the annexation, platting, and zoning case history for these lots. She stated that the Traffic Impact Analysis indicates that Seneca and Grass Hill Drives as adequate to carry anticipated traffic with the requested zoning change. She informed Council that the applicant will be required to replat the property, obtain Floodplain Development and building permits prior to any construction. She also stated that parkland dedication is required and if in a flood plain, the ratio is two acres of parkland to each 133 dwelling units.

Ms. Smith stated that 131 letters were mailed to surrounding property owners and 13 were received in favor of the rezoning request and 58 were received in opposition to the case and 6 letters were returned as undeliverable. She informed Council that due to the high number of opposition letters, a three-fourths vote was required of the governing body on the case.

Zoning Commission Chair Guerra reported to Council that on November 27, 2007, the Zoning Commission voted 6 to 1 to approve Zoning Case # 07-378.

Applicant Dayton Schrader answered questions from Council to clarify his plans for the total number of homes to be built on the properties requested to be rezoned to R-7 and his estimates

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, DECEMBER 4, 2007.**

for street and drainage improvements of approximately \$2 million. Mrs. Schrader stated that if the City wanted to pay for those improvements, he would be happy to develop the land as R-1 (Single Family Dwelling) zoning. He stated that he felt that the R-7 was the only way that the development could be financially feasible and that builders are selling medium density homes more than R-1 sized lots.

Mayor Riley announced at 8:35 p.m. that there would be a five minute break in the meeting.

Mayor Riley reconvened the meeting at 8:40 p.m. and announced that the public hearing was open for Agenda Items #8 and #9. She invited anyone who wished to address the Council about the petition to come forward.

Sharon Hendricks, 6015 Aids Drive, provided a handout to Councilmembers from the Master Plan which described six subdivision areas and which contain the desired language that she recommended for revising the Master Plan as it pertains to the 11N Seneca West neighborhood. She asked that existing R-1 zoned properties in her neighborhood remain R-1 and asked Council to deny the rezoning case before them.

Resident Dr. John Thom, 6406 William Rancher, addressed Council stating that although he signed the petition only once, he owned three parcels of land in the neighborhood at 5710 Grasshill Road, and at 6402 and 6406 William Rancher. He stated that his property was greatly affected by the runoff from the Ridge Subdivision.

Resident Abraham Diaz, 6014 Kinman, addressed Council stating that he felt that R-1 zoning should remain the zoning for the neighborhood.

Resident Cathy Hill, 6326 Mary Jamison, addressed Council, asking if Council had considered an analysis of the costs of additional City services that would be required for the increased number of residences to be built versus the amount of property taxes the City would gain from the area. She asked Council to deny the requested changes for zoning from R-1 in the Seneca Estates neighborhood.

Real Estate Broker Daniel Bee briefly addressed Council asking for them to give favorable consideration for the rezoning case.

Gilbert Laubach, twenty-five year owner of one of the parcels, asked Council to give their consent to the rezoning case being considered. He described debris being dumped on his property and stated that he felt new residential homes would be preferred to the refuse that was being dumped on the vacant properties in the neighborhood.

Resident Marcus Semmelmann addressed Council thanking them for their consideration of the petition before them and stated that he was convinced that R-1 homes could be built successfully on the vacant land in Seneca West.

Park Commissioner Al Uvietta informed Council that Mr. Schrader addressed the Park Commission about the land to be dedicated for park land in the proposed development. Mr. Uvietta expressed his concerns regarding any dedication of park land that would be in the flood plain in light of recent announcements from Bexar County about a future Huebner Creek bed reconfiguration.

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, DECEMBER 4, 2007.**

Resident Guillermo Compos, 5704 El Verde Road, addressed Council expressing his concerns on how new development from Seneca Estates would affect the houses on the lower end of El Verde Road when heavy rains fill the Huebner Creek channel. He asked Council to insure that adequate infrastructure improvements are made for development so as not to have a negative effect on the homes along Huebner Creek on El Verde Road.

George Weron, of KFW Engineers, addressed Council stating that the drainage issues for the proposed development to be built in the rezoned area would be addressed in the platting process. He stated that the stormwater analysis for the proposed project indicated that the development would have a very small overall affect on the watershed that feeds into Huebner Creek. He stated that if detention is required, there would be no increase of water draining into Huebner Creek and assured Council that they would comply with any requirements of the City.

Resident Rick Rangel, 5900 block of El Verde Road, addressed Council expressing his concerns for any increase in drainage that feeds into Huebner Creek and the increased runoff that could come from building over 200 more homes in Seneca West.

Mayor Riley expressed her concerns about the need for more study on drainage from a large development project such as proposed for Seneca West in the future. Mayor Riley invited the rezoning case applicant, Mr. Schrader, to address concerns expressed in the public hearing.

Mr. Schrader expressed his wish to rezone the property to R-7 and stated that he would address drainage issues for the project as required by the City. He reassured the City that he did not intend for the proposed development to be shoddy work and he stated that if he promised to build less than 300 homes he would be held to that standard as he must come back to Council for platting of the development project. He restated that R-1 development was not economically feasible with all the challenges in the development project.

Resident Cathy Hill again addressed Council stating that the properties have been zoned R-1 since they were annexed and the City has no guarantee that the builders will deliver the number of or quality of homes that are proposed by the applicant tonight. Again, Ms. Hill asked Council to evaluate the costs for services versus the property taxes to be brought in by the new development.

Hearing no one else, Mayor Riley announced that the public hearings would be closed at 9:32 p.m.

Council discussion followed regarding Council's concerns for increased traffic, no builder identified for the project, and options that could allow Council to limit the number of units that could be built out per acre. The City Attorney reviewed the Master Plan process and noted that the Master Plan does not bind the City Council on their vote.

A motion was made by Councilman Manea, seconded by Councilman Reyna, to accept the petition to revise the 2003 Master Plan as requested in the Seneca West citizen petition and as presented. A roll call vote was as follows: Manea, Reyna, Baldrige, Dean and Nelson for the motion and no one against the motion. Mayor Riley announced the motion was approved by a 5 to 0 vote.

Mayor Riley asked for any further discussion on the rezoning request. Mayor Riley stated that

CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, DECEMBER 4, 2007.

she had concerns about the drainage issues, the wide variance between 300 homes and 239 homes that could be developed in R7 versus R1 zoning in the area, the need for some hydrology studies in the area, more park land to be dedicated for the area, and the impact on the existing neighborhoods. She stated that she felt more input was needed from homeowners to make a plan for the area.

Councilmembers expressed their concerns about the density, the additional traffic within the existing neighborhood, the ability for the City to provide water and sewer service provisions for a larger number of homes in the area, and for the drainage impact on the residents of El Verde Road and along Huebner Creek in the City.

Following discussion, a motion was made by Councilman Manea, seconded by Councilmember Dean, to deny the Zoning Case No. ZC 07-378, as presented. A roll call vote was as follows: Manea, Reyna, Baldrige, Dean and Nelson for the motion, and no one against the motion. Mayor Riley announced that the motion carried by a vote of 5 to 0 and the rezoning request was denied.

Mayor Riley announced that Council would take a five minute break at 9:45 p.m.

Mayor Riley reconvened the Council at 9:50 p.m.

Consider M&C # 11-07-07 - Award of the franchise agreement for solid waste services. This item was tabled to December 4, 2007 from the November 20, 2007 Regular City Council Meeting. Three companies will make 10-minute presentations before Council on their proposals during discussion of this agenda item (Stolz).

Public Works Assistant Director Stolz addressed Council reviewing the current collection and disposal of solid waste and recycling services received by the City of Leon Valley from Waste Management. Mr. Stolz reported that proposals for waste services were solicited in September 2007 and proposals were received from: Waste Management, Texas Disposal, and Century Disposal. Mr. Stolz reviewed factors used to analyze the proposals such as: quality of services, cost, company experience, billing services, franchise fees, and responses from references. Representatives from each of three companies gave ten-minute presentations to City Council on their services and answered questions from Councilmembers about their plans for services for the City of Leon Valley.

Glenn White of Century Disposal presented an overview of the company and the services proposed for the City of Leon Valley. He described the bins sizes, frequency of large item pickup, profit sharing with the City for recyclables, cost for billing services, and answered questions posed by the City Council regarding Century Disposal.

Ralph Wueller, of Texas Disposal, played an audio-visual presentation showcasing his company's programs, philosophy, and services provided to its customers. Mr. Wueller described how waste disposal would be handled locally and options for sizes of recycling bins and stated that Texas Disposal would provide billing at no additional cost if chosen as the City's waste disposal provider.

Albert Perez, of Waste Management, Inc. provided a slide show illustrating Waste Management's corporate structure, service record, and its commitment to recycling and

CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, DECEMBER 4, 2007.

preserving the environment. Mr. Perez stated that his company's goal was to reduce landfill refuse by 15% by 2020. He described their program that convert landfill gases to usable fuel and their expanded recycling program in Leon Valley. He explained that the proposed rate increases were due to increased costs for fuel, petroleum products, and operation costs. He answered questions from Council on the delays in the Fall brush pickup.

Citizen Hubert Lange voiced his concerns for increased costs to Leon Valley businesses for commercial waste disposal. Staff explained that businesses have options for size of waste disposal units and the number of times for waste disposal pickup.

Following discussion, a motion was made by Councilmember Dean, seconded by Councilman Reyna, to award the franchise agreement for solid waste services to Waste Management, Inc. Upon vote, Mayor Riley announced the motion carried and the agreement for services would be awarded to Waste Management.

Mayor Riley and Councilmembers thanked all three presenters and expressed their support for the efforts given by the waste disposal companies to protect the environment.

Consider M&C # 12-01-07 - a request to approve the City entering into a Memorandum of Understanding (MOU) with the Texas Department of Public Safety (Chief Wallace).

Police Chief Wallace addressed Council explaining that the Texas Office of Homeland Security initiated the Texas Data Exchange (TDEx), a clearinghouse for local agency databases for the exchange of information between participating agencies. He explained that there was no cost for participation in the program as all necessary equipment is provided and the system will allow Leon Valley police officers to access Texas county jail information and access to more extensive information for criminal justice incident data. Chief Wallace did clarify that no arrest or warrant information would be in the shared databases.

A motion was made by Councilmember Baldrige, seconded by Councilmember Dean, to approve the request to enter into a memorandum of understanding with the Texas Department of Public Safety as requested. Upon vote, Mayor Riley announced that the motion carried.

Discussion Agenda

City Manager's report.

City Manager Lambert presented the Mayor with a cake and extended best wishes for her birthday.

Citizens to be heard.

Resident Rudy Garcia addressed Council asking that the City put in additional moneys in the next budget for holiday decorations at City facilities.

Resident Rick Rangel addressed Council expressing his concerns about TxDOT completing the walkways along Bandera Road over Huebner Creek. Mayor Riley reported that TxDOT is telling her that they do not have money left to fix the walkways. She informed Mr. Rangel that she was

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, DECEMBER 4, 2007.**

still working on getting the walkways installed.

Announcements.

Councilmember Nelson announced that her son received his "Arrow of Light Award" when he bridged over to Boy Scout Troop 351.

Councilman Dean congratulated Mrs. Manea for her citizenship.

Councilman Reyna extended birthday greetings to the City's Library Director.

Councilman Manea announced that the Leon Valley Rotary Club is collecting food and toys for needy families. He stated that collection boxes are available at the Leon Valley Police Department and the Fire Department and the gifts will be delivered by the Police Department.

Mayor Riley invited everyone to the Holiday Concert scheduled for Sunday, December 9th at 2:30 p.m. with the Beethoven Band. She also thanked the City Manager for his work for the City over the year. She also reminded everyone of the next meeting on December 18th.

Adjourn.

Hearing no other business or comments, Mayor Riley announced that the meeting was adjourned at 11:10 p.m.

ATTEST:

Chris Riley
Mayor

Marie Feutz
City Secretary

Approved by majority vote of City Council at the Regular City Council Meeting of December 18, 2007.